

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHN K. GOODROW,

Plaintiff,

v.

FRIEDMAN & MACFADYEN, P.A., et al.,

Defendants.

**Civil Action No.: 3:11-cv-00020-MHL
(Consolidated)**

JOINT PROPOSED DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26 and this Court's Order of July 9, 2013, the Parties have met and conferred in their attempt to reach agreement upon a Discovery Plan for each of these cases. Accordingly, the Parties propose their Scheduling and Discovery Plan as follows:

1. RULE 26(f) CONFERENCE: The parties, through counsel, held a Rule 26(f) conference by telephone on August 22, 2013.
2. CONSOLIDATION: These cases may be consolidated for discovery and pre-trial purposes. Defendants oppose consolidation for trial, but the parties agree the question of trial consolidation does not need to be decided at this time.
3. INITIAL DISCLOSURES: The parties have exchanged initial disclosures under Rule 26(a)(1).
4. DISCOVERY CUTOFF: Discovery shall end on February 28, 2014.
5. PUTATIVE CLASS CERTIFICATION: Plaintiff will file any motions for class certification by March 31, 2014 and Defendants shall respond within thirty (30) days of that filing. Any reply by Plaintiffs are due thirty (30) days thereafter.
6. EXPERT DISCLOSURES: Plaintiffs shall make any expert disclosures

required by Fed. R. Civ. P. 26(a)(2) on or before October 31, 2013. Defendants shall make any expert disclosures required by Fed. R. Civ. P. 26(a)(2) on or before December 20, 2013. Plaintiff's rebuttal disclosures shall be due on January 17, 2014.

7. PRESERVATION OF DISCOVERABLE INFORMATION: The parties understand the importance of preserving discoverable information. Both parties believe they have taken reasonable steps to preserve all such information.

8. ELECTRONICALLY STORED INFORMATION: Unless otherwise demanded by the requesting party, electronically stored information may be produced in printed or hard copy form. However, the producing party shall maintain the electronically stored information in the format in which it exists at the time the request for discovery was made.

9. CLAIMS OF PRIVILEGE & PROTECTION OF TRIAL MATERIAL: The responding party to discovery shall provide a privilege log for all material for which a privilege is claimed. The log will set forth the bates number (if any) of the privileged document and include (1) the date of its creation; (2) its author(s); (3) its recipient(s); and (4) a brief general description of the document along with the basis for the privilege assertion. No party will be required to put on the privilege log documents that chronicle communications between the parties and their respective counsel made in relation to or in anticipation of this litigation if such documents were generated after the initiation of this action, unless they are independently relevant to the action. Inadvertent production of privileged material will be governed by Federal Rules of Evidence 502.

10. SERVING AND FILING PLEADINGS: All pleadings, motions, and other papers that are filed are to be served electronically as provided by the Federal Rules of Civil Procedure and the Local Rules. In addition, the parties agree to serve by mail all discovery

requests, written responses, and any other papers that are not filed with the Clerk of the Court. The serving party shall attach the pleading or paper in a "portable document format" (.pdf) or other form of electronic file. If transmissions of voluminous materials as an e-mail attachment are impractical, then those materials shall be served by overnight delivery via a service with the ability to "track" deliveries and verify receipt.

11. PROTECTIVE ORDER: In the event a protective order is deemed necessary, the parties shall work together to agree on a form and shall comply with the requirements of Virginia Dep't of State Police v. The Washington Post, 386 F.3d 567 (4th Cir. 2004) and Ashcraft v. Conoco, 218 F.3d 282 (4th Cir. 2000).

12. MAGISTRATE JUDGE: The parties consent to a trial before a United States Magistrate Judge.

13. SETTLEMENT: The parties are engaged in ongoing mediation efforts with Magistrate Judge Novak (Eastern District of Virginia).

14. DISCOVERY LIMITATIONS: Defendants do not perceive the need to deviate from the discovery limitations contemplated by the Federal Rules of Civil Procedure and the Rules of this Court.

DATED: August 23, 2013

Respectfully Submitted,

**FRIEDMAN & MACFADYEN, P.A.,
JOHNIE R. MUNCY, and
F&M SERVICES, L.C.,**

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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